



OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER
for British Columbia

Protecting privacy. Promoting transparency

O.R.L.
office of the
registrar
of lobbyists
BRITISH COLUMBIA

Service Plan

Fiscal Years
2014/15-2016/17

Presented to:

The Select Standing Committee on Finance
and Government Services
Legislative Assembly of British Columbia

December 6, 2013

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Message from the Information and Privacy Commissioner and the Registrar of Lobbyists

I am pleased to report that the past year was another productive and successful year for the Office of the Information and Privacy Commissioner ("OIPC") and the Office of the Registrar of Lobbyists ("ORL"). We made significant progress in our four service plan goals for the OIPC and two goals for the ORL contained in the Service Plan tabled last year.

With respect to the goals set for the ORL last year, we have continued to provide education and outreach to registered lobbyists. The ORL carried out an extensive public consultation in 2012 regarding the current lobbying regulatory regime in B.C. As a result of the consultation, in January of 2013 the ORL published a proactive report recommending reforms to the *Lobbyists Registration Act*. We then asked public office holders, lobbyists, journalists, and other stakeholders to respond to the report's 13 recommendations through public meetings and oral and written submissions. The purpose of this final phase of consultation was to identify and build consensus in the lobbying community around the most important, urgent and practical amendments needed for the LRA. This resulted in the ORL report "Recommended Changes to the *Lobbyists Registration Act*", which reduced the complement to five recommendations for amendments. If implemented, these legislative amendments will make compliance easier for lobbyists and help the legislation better meet its intended purpose of increasing transparency in lobbying and making government more accessible to the citizens of B.C.

Further technical improvements to the Registry of Lobbyists have been completed to greatly improve the public search functionality. The ORL completed six investigations and anticipates completing further investigations during the remainder of the fiscal year. Informal resolutions of possible non-compliance are desirable, and the ORL will continue to use informal measures whenever they are appropriate and effective. However, three years of experience have demonstrated that it is time to use the Registrar's powers to conduct formal investigations and apply administrative penalties more frequently than has been the case until now.

As Information and Privacy Commissioner, I issued five investigation reports and four guidance documents in the last twelve months. Most recently, I issued a report on the Public Body Disclosure of Information under Section 25 of the *Freedom of Information and Protection of Privacy Act* ("FIPPA"). Earlier in the year, we completed investigations into the following: the sharing of personal information as part of the draft Multicultural Strategic Outreach Plan; the BC Government Open Government/Open Information Program; and a growing trend of "no responsive records" replies by the Government of British Columbia in response to general access to information requests. We also

investigated a privacy breach involving personal health data held by the Ministry of Health.

The OIPC continued its public education through delivering speeches and conferences. We also continued our program of delivering specialized training sessions to access and privacy professionals in a broad range of local public bodies (municipalities, schools, universities, health authorities and crown corporations).

In October 2013, we organized a very successful annual meeting of federal, provincial and territorial Commissioners of Information and Privacy in Vancouver. After a productive series of discussions we issued a resolution outlining the need for legislative reform. We followed this with a conference to celebrate the 20th anniversary of the proclamation of FIPPA that was attended by more than 400 delegates and speakers from private and public sectors across Canada, the United States and the United Kingdom. The conference celebrated the achievements of the past, analyzed the challenges of the present, and predicted the issues of the future with an eye to legislative reform to be ready to meet them.

I am pleased to report that our strategies for dealing with our significant caseload continue to be successful. Last fall, I reported a reduction in our backlog from 180 to 90 files in two years. We have been able to maintain it at that level despite an increase in volume of over 20% over the previous year.

During the summer of 2013, the OIPC office developed a new three-year strategic plan to replace the previous plan. Senior management, with the assistance of members of the OIPC External Advisory Board established new goals, objectives, and strategies for the remaining three years of my mandate. This Service Plan is based on the new strategic plan. The Vision and Mandate statements have not changed, but the goals and strategies reflect those of the strategic plan. I have indicated where the goals and performance measures are entirely new and where there is continuity from the previous Service Plan.

December 6, 2013

ORIGINAL SIGNED BY

Elizabeth Denham
Information and Privacy Commissioner
for British Columbia
and Registrar of Lobbyists

*Office of the Information and Privacy Commissioner
Office of the Registrar of Lobbyists*

Vision

- A community where privacy is valued, respected and upheld in the public and private sectors;
- A community where access to information rights are understood and robustly exercised;
- A community where public agencies are open and accountable to the citizenry they serve; and
- A community where lobbying is understood, respected, and transparent.

Mandate

Under the *Lobbyists Registration Act* ("LRA"), the mandate of the Office of the Registrar of Lobbyists ("ORL") is to:

- Promote awareness among lobbyists of registration requirements;
- Promote awareness among the public of the existence of the lobbyists registry;
- Manage registrations submitted to the lobbyists registry; and
- Monitor and enforce compliance with the LRA.

Under the *Freedom of Information and Protection of Privacy Act* ("FIPPA") and the *Personal Information Protection Act* ("PIPA"), the mandate of the Office of the Information and Privacy Commissioner ("OIPC") is to:

- Independently review decisions and practices of public bodies and private sector organizations concerning access to information and protection of privacy;
- Comment on the implications for access to information or protection of privacy of proposed legislative schemes, automated information systems, record linkages, and programs of public bodies and organizations; and
- Educate and inform the public about access and privacy rights.

Who we serve

Under FIPPA, PIPA, and the LRA, the Offices serve:

- the information and privacy rights of citizens and consumers; and
- the Legislative Assembly of British Columbia.

How we do our work

The ORL addresses concerns about the integrity of government decision making, in that it provides a public record of who is or has attempted to influence government decisions. The ORL manages compliance through an interrelated spectrum of compliance strategies, including incentives, education and outreach to lobbyists and public office holders, verification of registration information, reporting, compliance reviews, investigation and administrative penalties, evaluation and adjustment.

The OIPC mediates and investigates access to information appeals and privacy complaints, conducts audits, delivers public education, reviews and comments on the privacy or access implications of legislation, programs or systems, conducts formal hearings and issues binding orders.



SERVICE PLAN OF THE OFFICE OF THE REGISTRAR OF LOBBYISTS

The ORL seeks province-wide compliance with the *Lobbyists Registration Act* ("LRA") through a series of interrelated compliance strategies. Our approach is built on guidelines recommended in *Lobbyists, Governments and Public Trust*, a report by the Organisation for Economic Co-operation and Development.¹

➤ COMPLIANCE PRINCIPLES

- The purpose of the LRA is to enhance transparency in lobbying;
- Lobbying in British Columbia must comply with legislation and regulations;
- Cost-effective, informal and non-punitive forms of resolving minor matters of non-compliance should be used where appropriate;
- Enforcement activities will be carried out in a fair, objective, respectful and consistent manner;
- Educating the public about the public Registry of Lobbyists is critical to achieving the policy objective of transparency; and
- Ongoing dialogue with the stakeholder community – lobbyists, organizations, public office holders, fellow oversight agencies and the public – is essential to ensuring compliance strategies remain timely, cost-efficient and effective.

Goals, Strategies and Performance Measures

Goal 1—Enhance the enforcement function under the <i>Lobbyists Registration Act</i>
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Informal resolutions of possible non-compliance are desirable, and the ORL will continue to use informal measures whenever they are appropriate and effective. However, three years of experience have demonstrated that it is time to use the Registrar's powers to conduct formal investigations and apply administrative penalties more frequently than has been the case until now.

¹ For the complete text of the OECD report, see: <http://www.oecd.org/dataoecd/5/41/41074615.pdf>.

Goal #1 is therefore an expansion of last year's Service Plan goal #2 expressed as "Monitor and enforce the *Lobbyists Registration Act*". The strategies outlined before have been adjusted to reflect this change in emphasis. In addition, two previous performance measures, environmental scans and administrative reviews, are actually two components of a larger integrated compliance review process, and we have combined them into a single new performance measure.

Strategies

- Analyze publicly available information sources to identify government priorities, organization priorities and possible unregistered lobbying.
- Conduct compliance reviews to identify potential contraventions for formal investigation.
- Increase resources for conducting the increasing number of investigations by transferring the executive functions of the Deputy Registrar to the OIPC Assistant Commissioner and hiring a full-time investigator in the position of the former Deputy Registrar.

Performance Measure	2012/13		2013/14	2014/15	2015/16	2016/17
	Target	Actual	Target	Target	Target	Target
1. % of registrations received on time	85%	93%	90%	90%	90%	90%
2. Compliance reviews	80	103	90	90	90	90
3. Compliance investigations	10	17	10	20	20	20

Goal 2—Promote enhancements to the *Lobbyists Registration Act*.

This is a new goal that we have established this year.

Our three years of experience and feedback from lobbyists and other stakeholders have demonstrated that there are a number of ways to enhance the LRA to better meet its primary objectives. The fundamental purpose of the LRA is to create transparency regarding who is attempting to influence government decision making. However, certain features of the current legislation inadvertently undermine the goal of transparency and construct barriers to compliance. To address these issues, in my recently released ORL report "Recommended Changes to the *Lobbyists Registration Act*", I have made five recommendations for amendments.

Strategies

- Table the report to the Legislative Assembly and brief the Minister of Justice, her senior staff, and the Opposition Critic on these recommendations. Raise awareness of the issues the report highlights with the lobbying community.

There is no performance measure for this goal, as the decision will be taken by the Legislative Assembly as to whether to amend the legislation.

Goal 3—Provide education for lobbyists, public office holders and the public

Educating lobbyists, public office holders and the general public about lobbying regulation and registration requirements will continue to be a goal of the ORL. As outreach activities over the last three years have largely achieved the goals of general education for lobbyists and public office holders, we believe there is no further need for an ongoing extensive outreach program and the accompanying performance measures. Therefore, we will be devoting more attention to providing targeted education and to the other goals noted above. Consequently, we have discontinued the following performance measures from the last Service Plan: 1, 2, 3, 4, 6 and 11, all of which related to outreach activity.

Strategies

- Develop and deliver province-wide educational outreach targeted at the non-profit sector.
- Publish ORL online journal, *Influencing BC*, and circulate widely.
- Manage and keep current the Office of the Registrar of Lobbyists website: www.lobbyistsregistrar.bc.ca.
- Publish monthly summaries of registered lobbying activities in the province.

Performance Measure	2012/13		2013/14	2014/15	2015/16	2016/17
	Target	Actual	Target	Target	Target	Target
4. Issues of <i>Influencing BC</i> posted	3	3	3	3	3	3



SERVICE PLAN OF THE OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER

Goals, Strategies and Performance Measures

Goal 1—Uphold privacy rights and monitor protection of personal information and data

This is a new goal that was developed for our new strategic plan with new performance measures. The goal encompasses two of the key priorities that we have identified in our 2014/15 Budget Submission that accompanies this plan. They are: (1) ensure the implementation of robust privacy rules and guidelines for data linking and information sharing activities of public bodies; and (2) increase the proportion of public and private sector organizations that have effective privacy management programs in place.

Strategies

- Secure government support for robust privacy rules and guidelines for data linking and information sharing activities of public bodies as a priority initiative.
- Collaborate with government to implement reforms and educate and train public bodies.
- Promote OIPC's privacy management accountability guidance documents.
- Develop an audit program to evaluate privacy management programs of public sector organizations to ensure their effectiveness.

Performance Measure	2014/15 Target	2015/16 Target	2016/17 Target
1. # of Audits, Compliance Reviews and Systemic Investigations	8	10	10
2. % of Audits, Compliance Reviews and Systemic Investigations Report recommendations implemented²	95%	95%	95%

² This measure replaces a previous measure of % of all OIPC post investigation recommendations implemented.

Goal 2—Promote and advocate for an open, accountable and transparent public sector

This is a revised goal that we developed for our strategic plan that expands on last year's Goal #1 relating to "An Open and Accountable Public Sector". It also reflects the key priority from the 2014/15 Budget Submission of (3) Encourage the adoption of Open Government/Open Information programs and monitor the timelines and quality of public body responses to access requests.

Strategies

- Increase the number of public bodies that have implemented effective open information programs through a systematic follow up of our open government report recommendations.
- Promote open information through our education mandate and by creating scalable guidance documents based on the open government/open information report.
- Provide support to FOI experts/leaders in public bodies by holding a one day symposium on open government best practices.
- Improve the quality and timeliness of public bodies' responses to access to information requests, by assessing and reporting on the underlying causes for the lack of timeliness responding to access requests.
- Advocate for information management legislation and policy reform that includes a duty to document, archival standards and explicit disclosure of categories of records.

Performance Measure	2012/13		2013/14	2014/15	2015/16	2016/17
	Target	Actual	Target	Target	Target	Target
3. Average processing days for all ministries (business days)	20	30	20	20	20	20
4. % of access requests processed on time by all ministries	95%	87%	95%	95%	95%	95%

Goal 3—Ensure public bodies and private sector organizations understand their responsibilities under the law and individuals understand the value of information and privacy rights

This is a restatement of Goal #3 from last year's Service Plan which involves ensuring broad public and organisational knowledge of information and privacy rights and responsibilities. The Performance Measure remains the same.

Ensuring awareness of information rights remains a goal of our office. The OIPC will continue to support its education mandate through conferences and other speaking engagements.

Strategies

- Meet the demand from public bodies and organizations for speakers and training in FIPPA and PIPA compliance by developing curricula and external resources so that public bodies and organizations can train their own employees.
- Facilitate public awareness of privacy and access rights by developing and implementing social media strategies for stimulating interest and discussion of individual information rights, and implement them with our other communications strategies.
- Promote access and privacy issues in the public domain by responding to requests for media interviews and seeking out opportunities for public commentary.

Performance Measure	2012/13		2013/14	2014/15	2015/16	2016/17
	Target	Actual	Target	Target	Target	Target
5. Number of OIPC presentations	80	80	100	100	100	100

Goal 4—Enhance the quality and capacity of the OIPC's people, systems, processes and culture

Delivering our mandate efficiently and effectively remains a goal of our office and this goal has been restated from the 2013/14 Service Plan to reflect this commitment. The Performance Measures remain the same.

Strategies

- Ensure the timely resolution of complaints, reviews, and requests for information by conducting a review of internal processes and develop internal standards and identifying and developing best practice guidelines to assist investigators in mediating complaints.
- Leverage relationships with functional counterparts at other oversight agencies.
- Create opportunities for skills, knowledge and professional development for OIPC staff.
- Promote a positive workplace culture, collaboration and engagement among OIPC staff and conduct surveys and internal reviews.

Performance Measure	2012/13		2013/14	2014/15	2015/16	2016/17
	Target	Actual	Target	Target	Target	Target
6. % of requests for review settled without inquiry	95%	94%	95%	95%	95%	95%
7. Proportion of review files resolved within 90 business days	65%	60%	65%	65%	65%	65%
8. % of complaint files resolved within 120 business days	75%	73%	75%	75%	75%	75%
9. Average number of orders and other decisions produced per adjudicator per year	18	10 ³	22	22	22	22

³ There was complete turnover of the adjudication team with the entire complement of three new adjudicators requiring start up training.

Caseload Statistics: Office of the Information and Privacy Commissioner

File Type	Fiscal 2010/11	Fiscal 2011/12	Fiscal 2012/13	Fiscal 2013/14 Projected ⁴
Appeals (requests for review)	538	568	618	734
Complaints	561	572	443	616
Requests for time extensions	352	382	735	892
Policy consultations	65	100	135	58 ⁵
Review of bills	37	55	56	4
Speeches	47	87	80	60 ⁶
Privacy breach reviews	65	84	106	130
Others ⁷	1,882	1,856	1,512	1,846
Total Case Files	3,547	3,704	3,685	4,340

General telephone calls to reception ⁸	3,744	4,353	2,686	2,078
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⁴ This projection is based on statistics up to September 30, 2013 at the midpoint of the fiscal year - doubled.

⁵ The fiscal year began with a pre-election writ period, followed by the writ period and election. As a result the government's policy and legislative agenda was much lighter than in previous years.

⁶ The OIPC rationed speaking engagements during the first half of the 2013/14 fiscal year to focus on the 20th Anniversary Conference in October. It is anticipated that in the second half of the fiscal year the total will be higher than during the first half and bring the total closer to the annual average.

⁷ Other file types include media inquiries, conference attendance, projects, and courtesy copies of letters not requiring a response.

⁸ Previously described as "General requests for information & assistance".